IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7455 OF 2003

Parvatayya Rajanna Alle .. Petitioner

Versus

Solapur Merchant Coop.

Bank Ltd. & Ors. .. Respondents

Mr.Anurag Jain for petitioner

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 1, 2004.

P.C.

1. Having heard the learned Counsel for the petitioner, I find no reason to interfere with

the discretionary order passed by the Court below. The Court below has rejected the application for condonation of delay in filing the appeal on the reasoning that no sufficient cause has been made out by the petitioner. Besides, it has been positively found by the Court below that the plea of the petitioner that he had no knowledge about passing of the award till January 1999 is incorrect. To substantiate that finding the Court below has adverted to the record which would clearly indicate that the petitioner had knowledge about pendency of dispute No.732/1988 but he did not participate and contest the said proceedings, even after the death of opponent No.4. In this view of the matter, the Court below declined to exercise the discretion in favour of the petitioner. No fault can be found with the view taken by the Court below. The petition is dismissed.

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